

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

STEPHEN LEHMANN : CIVIL ACTION  
:   
v. : NO. 21-4626  
:   
LOUISVILLE LADDER INC. :

**ORDER**

AND NOW, this 6<sup>th</sup> day of July 2022, upon considering Plaintiff's Motion *in limine* to preclude the admission of evidence related to Plaintiff's alleged negligence (ECF Doc. No. 60), Defendant's Opposition (ECF Doc. No. 68), and for reasons in the accompanying Memorandum, it is **ORDERED** Plaintiff's Motion (ECF Doc. No. 60) is **GRANTED in part** and **DENIED in part**:

1. Defendant may adduce evidence of Plaintiff's conduct before the accident solely for the purpose of challenging Plaintiff's failure-to-warn theory based on an absence of warnings regarding the pins but Defendant may not argue or introduce evidence of Plaintiff's conduct to argue his negligence may mitigate Plaintiff's claim under a design defect theory; and,

2. We will address a limiting instruction to the jury during the presentation of this evidence and in final instructions.

  
\_\_\_\_\_  
KEARNEY, J.